

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NATHAN CHARLES STANLEY,

Defendant.

CR 11-11-GF-BMM

ORDER

This case was referred to United States Magistrate Judge John Johnston for a revocation hearing and findings and recommendations. Judge Johnston entered his findings and recommendations on September 26, 2017. Defendant admitted that he had violated the conditions of his supervised release: 1) by using methamphetamine; 2) by consuming alcohol; and 3) by failing to participate in substance abuse treatment. Judge Johnston found the admissions sufficient to establish the supervised release violations. Judge Johnston recommended that this Court revoke Defendant's supervised release and commit him to the custody of the United States Bureau of Prisons for a term of imprisonment of nine months, with 19 months of supervised release to follow.

Defendant filed a timely objection. (Doc. 74). Defendant concedes that a custodial term of nine months is appropriate. Defendant objects, however, to the recommended term of supervised release of 19 months. (Doc. 74 at 4). Defendant requests a sentence of nine months in custody with no supervised release to follow. *Id.*

The Court reviews *de novo* findings and recommendations to which a defendant objects. 28 U.S.C. § 636(b)(1). Findings and recommendations to which no objection is made are reviewed for clear error. *McDonnell Douglas Corp. Commadore Bus. Mach, Inc.*, 656 F.2d 1309, 1319 (9th Cir. 1981).

The Court agrees with Judge Johnston's findings and recommendations. Defendant could be incarcerated for up to 24 months, followed by 28 months of supervised release less any custody time imposed. The United States Sentencing Guidelines call for a term of imprisonment of five to eleven months. A sentence of nine months in custody, followed by 19 months of supervised release is appropriate. A 19 month period of supervision is appropriate because it will help Defendant find employment and develop life skills, and it will provide Defendant the support and structure needed to address his substance abuse problem. The sentence is sufficient but not greater than necessary.

IT IS ORDERED that Judge Johnston's Findings and Recommendations
(Doc. 73) are ADOPTED in full and Judgment shall be entered accordingly.

DATED this 11th day of October, 2017.



Brian Morris
United States District Court Judge